

CITY OF RALEIGH

Existing Zoning Map

Z-10-11

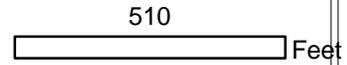
**IND-1 CUD
(37.99 acres)
&
R-6
(14.01 acres)**

to

**R-4
(49.23 acres)
&
R-6
(2.77 acres)**

52 acres

Public Hearing
July 19, 2011
(October 17, 2011)





Certified Recommendation

Raleigh Planning Commission

CR# 11422

Case Information Z-10-11 Hillcrest

<i>Location</i>	South side of New Bern Avenue, east of the I-440 interchange, and west of Corporation Parkway.
<i>Size</i>	52 acres
<i>Request</i>	Rezone property from Residential-6, Industrial-1 and Industrial-1 Conditional Use, to Residential-4, Residential-6 and Neighborhood Business.

Comprehensive Plan Consistency

Consistent

Inconsistent

Consistent

<i>Future Land Use Designation</i>	<input checked="" type="checkbox"/>	Low Density Residential and Community Mixed Use
<i>Applicable Policy Statements</i>	<input checked="" type="checkbox"/> <input checked="" type="checkbox"/> <input checked="" type="checkbox"/> <input checked="" type="checkbox"/> <input checked="" type="checkbox"/> <input checked="" type="checkbox"/>	Policy LU 2.6 – Zoning and Infrastructure Impacts Policy LU 5.4 – Density Transitions Policy LU 8.5 – Conservation of Single-Family Neighborhoods Policy LU 8.10 – Infill Development Policy LU 8.12 – Infill Compatibility Policy LU 11.4 – Rezoning/Development of Industrial Areas

Issues and Impacts

<i>Outstanding Issues</i>	1. There are no outstanding issues associated with this request.	<i>Suggested Conditions</i>	N/A
<i>Impacts Identified</i>	1. There have been no additional impacts identified for this proposal.	<i>Proposed Mitigation</i>	N/A

Public Meetings

<i>Neighborhood Meeting</i>	<i>Public Hearing</i>	<i>Committee</i>	<i>Planning Commission</i>
1/25/11	7/19/11	Date: N/A	8/9/11: Approval

Valid Statutory Protest Petition



Zoning Staff Report – Z-10-11

General Use District

Request

<i>Location</i>	South side of New Bern Avenue, east of the I-440 interchange, and west of Corporation Parkway.
<i>Request</i>	Rezone property from Residential-6, Industrial-1 and Industrial-1 Conditional Use, to Residential-4, Residential-6 and Neighborhood Business.
<i>Area of Request</i>	52 acres
<i>Property Owner</i>	Various property owners
<i>PC Recommendation Deadline</i>	October 17 th , 2011

Subject Property

	<i>Current</i>	<i>Proposed</i>
<i>Zoning</i>	R-6, IND-1, IND-1 CUD	R-4, R-6, NB
<i>Additional Overlay</i>	N/A	N/A
<i>Land Use</i>	Residential	Residential/Commerical
<i>Residential Density</i>	84 dwelling units (R-6 zoning)	213 dwelling units

Surrounding Area

	<i>North</i>	<i>South</i>	<i>East</i>	<i>West</i>
<i>Zoning</i>	NB, IND-1, SHOD-4	IND-1, SHOD-1	IND-1	TD CUD, NB, SHOD-1
<i>Future Land Use</i>	CMU, NMU	BCS	ORD, BCS	ORD
<i>Current Land Use</i>	Highway Retail	Vacant land and Industrial	Commercial and Industrial	Vacant wooded land

Comprehensive Plan Guidance

<i>Future Land Use</i>	Low Density Residential and Community Mixed Use
<i>Area Plan</i>	N/A
<i>Applicable Policies</i>	Policy LU 2.6 – Zoning and Infrastructure Impacts Policy LU 5.4 – Density Transitions Policy LU 8.5 – Conservation of Single-Family Neighborhoods Policy LU 8.10 – Infill Development Policy LU 8.12 – Infill Compatibility Policy LU 11.4 – Rezoning/Development of Industrial Areas

Contact Information

<i>Staff</i>	Stan Wingo – (919)516-2663 stan.wingo@raleighnc.gov
<i>Applicant</i>	City of Raleigh
<i>Citizens Advisory Council</i>	Northeast – Paul Brant

Case Overview

The area is located south of New Bern Avenue, east of the I-440 interchange, and west of Corporation Parkway. The area is a mix of Residential-6 and Industrial-1 zoning, the latter being applied in the late 1980s and early 1990s through a series of petitioned rezonings from the various property owners. The property owners in this area rezoned to Industrial in an attempt to encourage redevelopment on their properties. After 20+ years, the properties remain residential, and many remain vacant.

This proposed rezoning is a recommendation accepted by City Council in association with the Hillcrest Planning Study completed in February of 2011. Along with the proposed rezoning, a Comprehensive Plan Amendment was also recommended, and will be heard at the July public hearing.

Exhibit C & D Analysis

Staff examines consistency with the Comprehensive Plan, compatibility with the surrounding area, public benefits and detriments of the proposal, and summarizes any associated impacts of the proposal.

1. Consistency of the proposed rezoning with the Comprehensive Plan and any applicable City-adopted plan(s)

1.1 Future Land Use

At time of submittal the area was designated as Business Commercial Services on the Future Land Use Map. The proposal to rezone to Residential-4 and Residential-6 was inconsistent with this designation. However, the Future Land Use was amended since the submittal of this rezoning proposal. The amendment has since been approved and would designate this area as being appropriate for Low Density Residential with the lots north of Hillcrest designated as Community Mixed Use. The request is now consistent with the Future Land Use recommendation.

1.2 Policy Guidance

The following policy guidance is applicable with this request:

Policy LU 2.6 – Zoning and Infrastructure Impacts
Carefully evaluate all amendments to the zoning map that significantly increase permitted density or floor area to ensure that impacts to infrastructure capacity resulting from the projected intensification of development are adequately mitigated or addressed.

Proposal could introduce the development of residential uses on vacant lots within the neighborhood. While the rezoning would increase the potential for additional dwelling units, it would not increase the potential for impacts on infrastructure above the current Industrial zoning. Proposal is consistent with this policy.

Policy LU 5.4 – Density Transitions

Low to medium-density residential development and/or low-impact office uses should serve as transitional densities between lower-density neighborhoods and more intensive commercial and residential uses. Where two areas designated for significantly different development intensity abut on the Future Land Use Map, the implementing zoning should ensure that the appropriate transition occurs on the site with the higher intensity.

As currently zoned there are several incompatible zoning districts adjacent to one another. Land currently zoned Industrial-1 exists next to land zoned Residential-6. The proposal would help alleviate this, and provide for a consistent pattern of zoning within the neighborhood. Proposal is consistent with this policy.

Policy LU 8.5 – Conservation of Single-Family Neighborhoods

Protect and conserve the City's single-family neighborhoods and ensure that their zoning reflects their established low density character. Carefully manage the development of vacant land and the alteration of existing structures in and adjacent to single-family neighborhoods to protect low density character, preserve open space, and maintain neighborhood scale.

Proposal would help to encourage this Policy of the Comprehensive Plan, and conserve the current character of this neighborhood as low density residential. The requested rezoning would also help to facilitate appropriate and compatible development on the many vacant lots within the neighborhood. The existing Industrial zoning would permit uses incompatible with the existing residential dwellings, which could have a detrimental effect on the residences. Proposal is consistent with this policy.

Policy LU 8.10 – Infill Development

Encourage infill development on vacant land within the City, particularly in areas where there are vacant lots that create "gaps" in the urban fabric and detract from the character of a commercial or residential street. Such development should complement the established character of the area and should not create sharp changes in the physical development pattern.

As more than half of this area has remained vacant as currently zoned, rezoning to residential should help encourage future development and redevelopment in this area consistent with the existing character. Proposal is consistent with this policy.

Policy LU 8.12 – Infill Compatibility

Vacant lots and infill sites within existing neighborhoods should be developed consistently with the design elements of adjacent structures, including height, setbacks, and massing through the use of zoning tools including Neighborhood Conservation Districts.

All lots within the proposed area of rezoning are developed as single or multifamily residential. The proposal to rezone to residential zoning would ensure compatible infill development. As currently zoned, industrial land uses could be developed directly adjacent to single family homes. Proposal is consistent with this policy.

Policy LU 11.4 – Rezoning/Development of Industrial Areas

Allow the rezoning and/or redevelopment of industrial land for non-industrial purposes when the land can no longer viably support industrial activities or is located such that industry is not consistent with the Future Land Use Map.

This area was rezoned by property owners through the petitioned rezoning process more than 20 years ago in an attempt to encourage redevelopment. All properties have remained residential and/or vacant since, and the proposal to rezone to residential matches the as built environment. Proposal is consistent with this policy.

2. Compatibility of the proposed rezoning with the property and surrounding area

The majority of the site is currently zoned Industrial-1 with small enclaves of Residential-6 zoning. The neighborhood was rezoned by property owners through the petitioned rezoning process in the late 1980s and early 1990s. While there are Industrial uses to the south and east of this area, the neighborhood remains residential. North of the site, along New Bern Avenue the properties are primarily developed for highway oriented retail, or hotel uses. Directly adjacent to the west, a large undeveloped tract of land was recently rezoned from Industrial to Thoroughfare District, which would introduce the potential for residential development on that site. While the area is surrounded by both Industrial and Retail zoning, the fact remains that the core of the neighborhood has been zoned Industrial for 20 years and was never developed accordingly. Through several neighborhood meetings it was expressed by the majority of homeowners in this area that they seek to preserve the character of their neighborhood. The development pattern in the neighborhood remains single and multifamily residential, which is compatible with the requested zoning districts. .

Being zoned Industrial-1; all residential uses within this area are considered legal nonconforming uses. Over half of the area is currently vacant, and these empty lots could not be developed with residential uses. Rezoning to residential would help to ensure compatibility with the current residential uses, and the development potential on the many vacant lots. The lots north of Hillcrest are proposed to be rezoned to Neighborhood Business. The four lots are directly adjacent to commercial uses that front on New Bern Avenue, and are designated as Community Mixed Use on the Future Land Use Map. These lots are not directly adjacent to properties within the core of the neighborhood, and the proposal for Neighborhood Business zoning is compatible with the surrounding area.

3. Public benefits of the proposed rezoning

The proposed zoning would be more compatible with current land uses, and therefore more appropriate for future development of the neighborhood. Rezoning to residential would alleviate current nonconformities, and help to ensure a consistent and uniform development on the many vacant lots within the neighborhood. There are several instances of spot zoned properties that were left from previous zoning map amendments, creating a number of incompatible adjacent zone districts. The proposal would create a uniform pattern of zoning for the core of the neighborhood. Due to their location and proximity to commercial uses, the properties north of Hillcrest would be more appropriately zoned as Neighborhood Business.

4. Detriments of the proposed rezoning

There are very few known detriments associated with this proposal. There are a few lots that would be rendered nonconforming based on inadequate lot size. However, practically all developed lots within this area of rezoning are currently nonconforming based on their current land use, and would be made conforming.

5. The impact on public services, facilities, infrastructure, fire and safety, parks and recreation, etc.

5.1 Transportation

<u>Primary Streets</u>	<u>Classification</u>	<u>2009 NCDOT Traffic Volume (ADT)</u>			
Hillcrest Drive	Collector	N/A			
Plainview Drive	Collector	N/A			
Frazier Drive	Collector	N/A			
Virginia Street	Residential	N/A			
Beacon Lake Drive	Minor Residential	N/A			
Thelma Street	Minor Residential	N/A			
Polly Street	Minor Residential	N/A			
Essie Street	Minor Residential	N/A			
<u>Street Conditions</u>					
<u>Street</u>	<u>Lanes/Street Width</u>	<u>Curb and Gutter</u>	<u>Right-of-Way</u>	<u>Sidewalks</u>	<u>Bicycle Accommodations</u>
Hillcrest Drive	substandard 18' paved street	None	40'	None	None
Plainview Drive	substandard gravel street	None	40'	None	None
Frazier Drive	substandard 18' paved street	north side of the street	40' - 50'	One segment on north side of the street	None
Virginia Street	substandard gravel street	None	40'	None	None
Beacon Lake Drive	substandard gravel street	None	40'	None	None
Thelma Street	substandard 18' paved street	None	40'	None	None
Polly Street	substandard gravel street	None	40'	None	None
Essie Street	substandard gravel street	None	40'	None	None
City Standard	2-lane street 26' - 41' width	Back-to-back curb and gutter section	50' - 60'	minimum 5' sidewalks on one side	None
Meets City Standard?	NO	NO	NO	NO	N/A
Expected Traffic Generation [vph]	<u>Current Zoning</u>	<u>Proposed Zoning</u>	<u>Differential</u>		
AM PEAK	353	158	-195		
PM PEAK	346	207	-139		
Suggested Conditions/ Impact Mitigation:		Staff has computed a trip generation differential for this case and determined that a traffic impact analysis study is not recommended.			

Additional Information:	Neither NCDOT nor the City of Raleigh have any roadway construction projects scheduled in the vicinity of this case.
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Impact Identified: None

5.2 Transit

Transit is available on New Bern Ave. Transit improvements are not needed for this property.

Impact Identified: None

5.3 Hydrology

<i>Floodplain</i>	No FEMA Floodplain present
<i>Drainage Basin</i>	Crabtree Creek
<i>Stormwater Management</i>	Subject to Part 10, Chapter 9
<i>Overlay District</i>	

Impact Identified: None

5.4 Public Utilities

	<i>Maximum Demand (current)</i>	<i>Maximum Demand (proposed)</i>
<i>Water</i>	523,910 GPD	108,155 GPD
<i>Waste Water</i>	523,910 GPD	108,155 GPD

The proposed rezoning would not impact the City’s wastewater collection or water distribution systems. The area proposed for rezoning was part of a City initiated annexation area approved in 1988. However, the residents at that time did not wish for sanitary sewer and water mains to be extended by the City into the area. There have been some sanitary sewer and water mains installed (due to development) within a portion of the area proposed for rezoning. Sanitary sewer and water main installation for the remaining non-served properties would be the responsibility of the petitioner if lot configurations are changed due to development. If the lot configurations remain, the petitioner may request the City to install the mains with the lots being assessed for the work or install the mains at the developer’s cost if time is critical.

5.5 Parks and Recreation

The subject tracts are not located adjacent to any greenway corridors. There are no proposed park search areas in the vicinity of the subject tracts. This proposal potential will provide 218 dwellings from 84 increasing the level of recreation service.

Impact Identified: Minimal impact to the level of recreation service needs.

5.6 Urban Forestry

N/A

Impact Identified:

5.7 Wake County Public Schools

School name	Current Enrollment	Current Capacity	Future Enrollment	Future Capacity
Partnership	331	111.4%	373	125.6%
Moore Square	490	86.9%	502	89.0%
Southeast Raleigh	1,866	92.4%	1,881	93.2%

Impact Identified: It should be noted that most of the industrially zoned properties are currently developed as single family, and those units are not taken into account with this calculation. The overall increase in dwelling units will not be nearly as significant as appears. There would be very little impact to area schools associated with this request.

5.8 Designated Historic Resources

There are no known Historic Landmarks or designated districts within the proposed area of rezoning.

Impact Identified: None

5.9 Impacts Summary

There have been no additional impacts identified for this proposal.

6. Appearance Commission

This proposal would not be subject to review by the Appearance Commission.

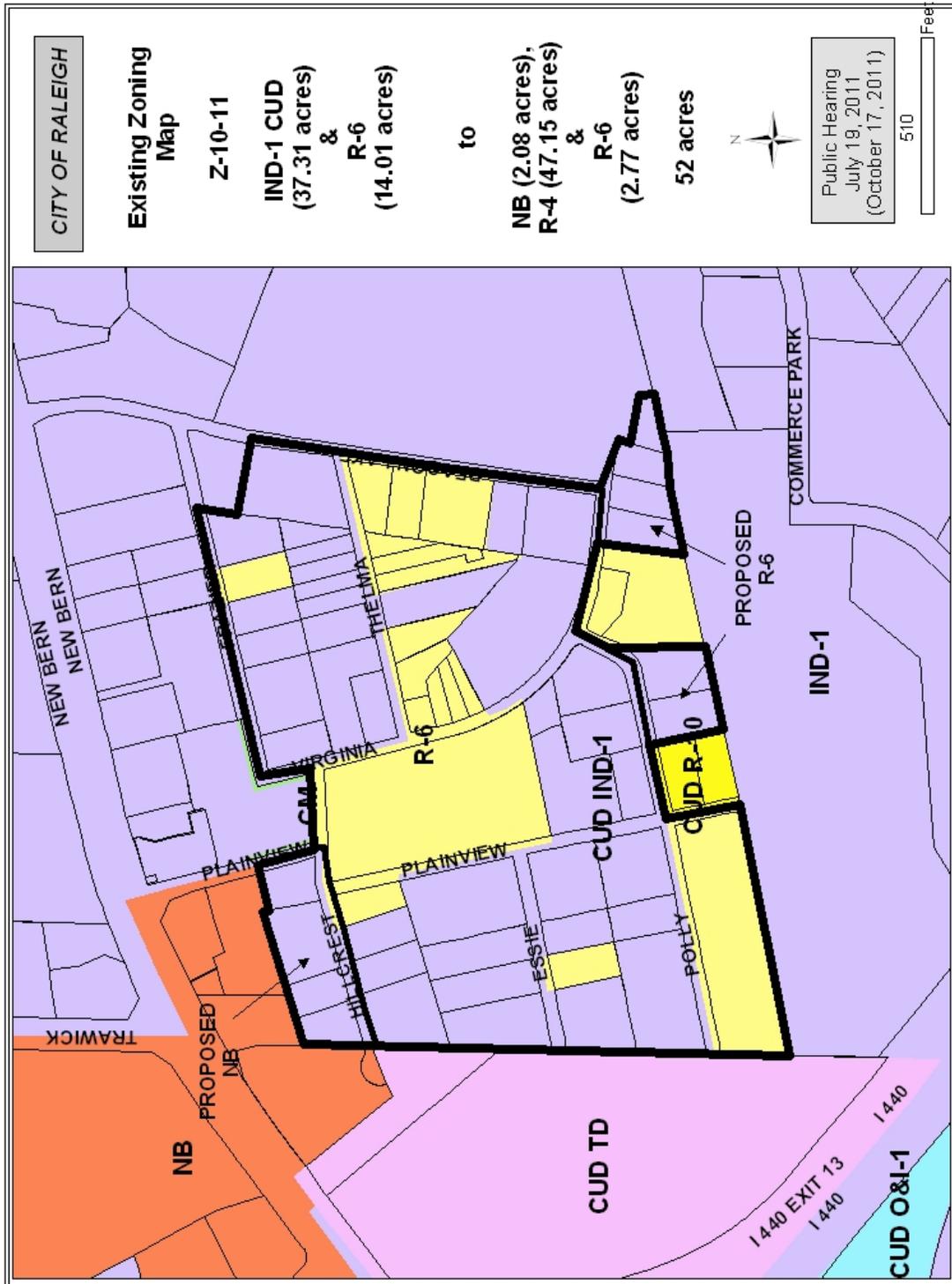
7. Conclusions

This proposal is consistent with the Comprehensive Plan. The proposal to rezone this area to Residential-4 , Residential-6 and Neighborhood Business would be consistent with the Future Land Use designation of Low Density Residential and Community Mixed Use.. The request is also consistent with all Comprehensive Plan policies that would apply to his area.

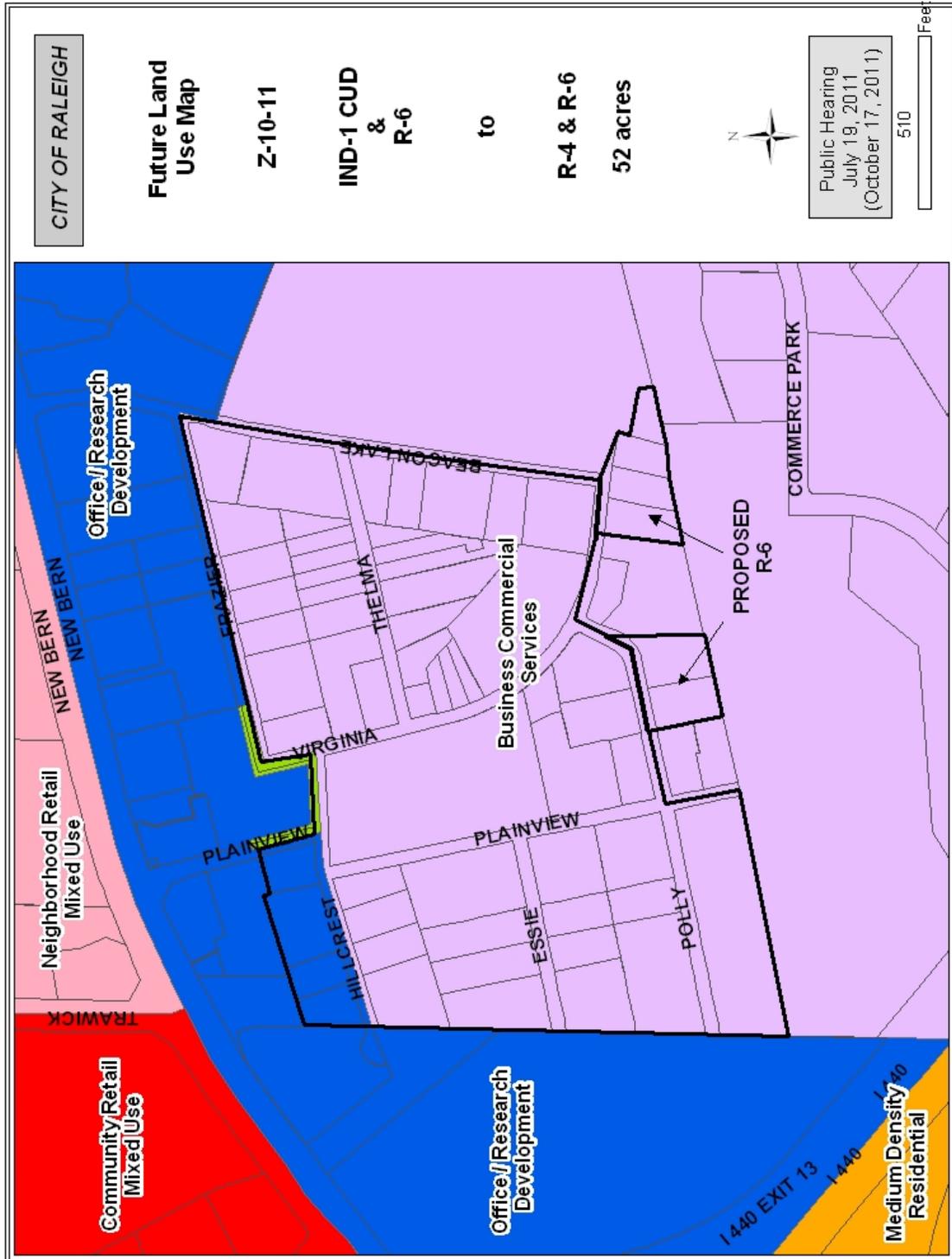
While this proposal is relatively large in size, the impacts to current infrastructure would be minimal. As most of the subject area is currently zoned Industrial, the proposal to rezone to low density residential zoning and Neighborhood Business north of Hillcrest would actually lower potential impacts to infrastructure. It should also be noted that a large number of residential properties are nonconforming under the current Industrial zoning. Rezoning to Residential-4 and Residential-6 in these areas will reverse the many nonconformities that were created when these properties were zoned Industrial. The four properties north of Hillcrest are more appropriate for Neighborhood Business due to their proximity to commercial development along New Bern Avenue.

This proposal will help to stabilize the neighborhoods development pattern, and will provide more compatible zoning districts for current land uses in the subject area. A uniform pattern of zoning will also help to ensure compatible development on the many vacant lots within the neighborhood.

Existing Zoning Map



Future Land Use Map





Petition to Amend the Official Zoning Map

Before the City Council of the City of Raleigh, North Carolina

The following items are required with the submittal of rezoning petition. For additional information on these submittal requirements, see the *Filing Instructions* addendum.

Rezoning Application Submittal Package Checklist

- Completed Rezoning Application which includes the following sections:
 - Signatory Page
 - Exhibit B
 - Exhibit C (only for Conditional Use filing)
 - Exhibit D
 - Map showing adjacent property owner names with PIN's
- Application Fee
 - \$532 for General Use Cases
 - \$1064 for Conditional Use Cases
 - \$2659 for PDD Master Plans
- Neighborhood Meeting Report (only for Conditional Use filing)
- Receipt/ Verification for Meeting Notification Mail out
- Traffic Impact Generation Report OR written waiver of trip generation from Raleigh Transportation Services Division
- (General Use ONLY) if applicant is not the petitioner must provide proof of notification to the adjacent property owners per G.S. 160A-384



Petition to Amend the Official Zoning Map

Before the City Council of the City of Raleigh, North Carolina

The petitioner seeks to show the following:

1. That, for the purposes of promoting health, morals, or the general welfare, the zoning classification of the property described herein must be changed.
2. That the following circumstance(s) exist(s):
 - City Council has erred in establishing the current zoning classification of the property by disregarding one or a combination of the fundamental principles of zoning as set forth in the enabling legislation, North Carolina General Statutes Section 160A-381 and 160A-383.
 - Circumstances have so changed since the property was last zoned that its current zoning classification could not properly be applied to it now were it being zoned for the first time.
 - The property has not heretofore been subject to the zoning regulations of the City of Raleigh.
3. That the requested zoning change is or will be consistent with the Raleigh Comprehensive Plan.
4. That the fundamental purposes of zoning as set forth in the N.C. enabling legislation would be best served by changing the zoning classification of the property. Among the fundamental purposes of zoning are:
 - a. to lessen congestion in the streets;
 - b. to provide adequate light and air;
 - c. to prevent the overcrowding of land;
 - d. to facilitate the adequate provision of transportation, water, sewerage, schools, parks, and other public requirements;
 - e. to regulate in accordance with a comprehensive plan;
 - f. to avoid spot zoning; and
 - g. to regulate with reasonable consideration to the character of the district, the suitability of the land for particular uses, the conservation of the value of buildings within the district and the encouragement of the most appropriate use of the land throughout the City.

THEREFORE, petitioner requests that the Official Zoning map be amended to change the zoning classification of the property as proposed in this submittal, and for such other action as may be deemed appropriate. All property owners must sign below for conditional use requests.

ALL CONDITIONAL PAGES MUST BE SIGNED BY ALL PROPERTY OWNERS

Signature(s)

Print Name

Kenneth Bowers

Date

4-28-11

EXHIBIT C. Request for Zoning ChangePlease use this form only – form may be photocopied. Please type or print. See instructions in *Filing Addendum***Contact Information**

	Name(s)	Address	Telephone/Email
Petitioner(s)	City of Raleigh	PO Box 590 Raleigh, NC 27602	919-516-2626
Property Owner(s)	Same as above		
Contact Person(s)	Travis Crane Senior Planner	PO Box 590 Raleigh, NC 27602	919-516-2626

Property information

Property Description (Wake County PIN)	Wake County PINs: 1724632956, 1724631924, 1724648066, 1724647181, 1724649086, 1724646087, 1724556039, 1724542767, 1724641691, 1724545046, 1724543052, 1724642762, 1724642904, 1724545205, 1724643760, 1724546258, 1724643983, 1724656056, 1724641731, 1724650048, 1724641336, 1724544544, 1724548687, 1724553015, 1724644965, 1724646821, 1724641675, 1724658227, 1724542448, 1724654137, 1724645645, 1724544893, 1724658102, 1724646383, 1724641854, 1724655044, 1724544204, 1724647603, 1724640177, 1724545877, 1724647406, 1724548292, 1724651181, 1724653134, 1724656243, 1724545680, 1724647755, 1724542934, 1724642212, 1724554075, 1724655094, 1724549039, 1724546088, 1724642528, 1724645780, 1724644676, 1724542270, 1724645917, 1724643495, 1724543542, 1724535801, 1724544801 and 1724655139
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Nearest Major Intersection	Hillcrest Drive
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Area of Subject Property (in acres)	52 acres
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Current Zoning Districts	Industrial-1 CUD; Residential -6
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Requested Zoning Districts	Residential-4; Residential-6
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Adjacent Property Owners

PIN_NUM	OWNER	ADDR1	ADDR2	ADDR3
1724753753	COC PROPERTIES INC	PO BOX 551	CARY NC 27512-0551	
1724558417	ACR PROPERTIES #3 LLC	1036 S COLLEGE RD	WILMINGTON NC 28403-4301	
1724557412	AKRITA LLC	C/O HARRY YASEMIEDES	2400 PRINCESS ANNE ST	FREDERICKSBURG VA 22401-3332
17244449959	VIMAL LLC	3618 NEW BERN AVE	RALEIGH NC 27610-1233	
1724447360	DEBNAM PROPERTIES LLC	2319 LAURELBROOK ST	RALEIGH NC 27604-1429	
1724539925	PLM FAMILIES TOGETHER INC	PO BOX 14395	RALEIGH NC 27620-4395	
1724558285	RALEIGH HOSPITALITY LLC	3804 NEW BERN AVE	RALEIGH NC 27610-1335	
1724658671	OATS PROPERTIES INC	638 HARRIS WILSON RD UNIT D	WENDELL NC 27591-8458	
1724732929	RADFORD, TANGA W/WEAVER, CATHERYNE C	10816 ASHLAND MILL CT	RALEIGH NC 27617-7766	
1724651512	WENDY'S INTERNATIONAL INC	WENDY'S/ARBY'S GROUP	1155 PERIMETER CTR W	ATLANTA GA 30338-5463
1724652599	M M FOWLER INC	4220 NEAL RD	DURHAM NC 27705-2322	
1724752842	COC PROPERTIES INC	PO BOX 551	CARY NC 27512-0551	
1724732767	ZBONE REAL ESTATE LLC	3901 COMMERCE PARK DR STE A	RALEIGH NC 27610-2776	
1724553344	MUNDRA HOTELS OF RALEIGH LLC	1209 PLAINVIEW DR	RALEIGH NC 27610-1316	
1724656589	BIGGS, ARCHIE WAYNE	1200 ADAMS ST N	WILSON NC 27893-2442	
1724652346	SNB OFFICE CONDOMINIUM THE	3809 FRAZIER DR STE 115	RALEIGH NC 27610-1358	
1724554245	MUNDRA HOTELS OF RALEIGH LLC	1209 PLAINVIEW DR	RALEIGH NC 27610-1316	
1724753316	NATIONAL TRUCK PARTS INC	C/O MIKE RICE	3900 NEW BERN AVE	RALEIGH NC 27610-1333
1724634609	BEACON LAKE INDUSTRIAL COMMONS LLC	5112 DEPARTURE DR	RALEIGH NC 27616-1814	
1724655475	BOOTH, RICHARD C & CAROL S	7620 WINGFOOT DR	RALEIGH NC 27615-5485	
1724751547	NATIONAL TRUCK PARTS INC	C/O MIKE RICE	3900 NEW BERN AVE	RALEIGH NC 27610-1333
1724655625	BOOTH, RICHARD C & CAROL E	7620 WINGFOOT DR	RALEIGH NC 27615-5485	
1724654641	STANLEY, EVELYN B	2216 HILLOCK DR	RALEIGH NC 27612-3968	
1724552277	QUALITY OIL CO LLC	PO BOX 2736	WINSTON SALEM NC 27102-2736	
1724559550	AMERICAN PROPERTIES HOLDINGS LLC	PO BOX 20909	RALEIGH NC 27619-0909	
1724539844	PLM FAMILIES TOGETHER INC	PO BOX 14395	RALEIGH NC 27620-4395	
1724654482	STANLEY, EVELYN B	2216 HILLOCK DR	RALEIGH NC 27612-3968	
1724554481	S MART OF N C INC	1209 PLAINVIEW DR	RALEIGH NC 27610-1316	
1724741695	BROADWELL, BRUCE	307 TIFFANY CIR	GARNER NC 27529-4328	
1724449824	DEBNAM PROPERTIES LLC	2319 LAURELBROOK ST	RALEIGH NC 27604-1429	
1724644156	PRODEV XXXI LLC	6019 TOWER CT	ALEXANDRIA VA 22304-3201	
1724644071	PRODEV XXXI LLC	6019 TOWER CT	ALEXANDRIA VA 22304-3201	
1724730752	RALEIGH PORTFOLIO NW LLC	770 TOWNSHIP LINE RD STE 150	YARDLEY PA 19067-4231	

EXHIBIT D. Petitioner's Statement on Behalf of Zoning Change

Please use this form only – form may be photocopied. Please type or print. See instructions in *Filing Addendum*

This section is reserved for the applicant to state factual information in support of the rezoning request.

Required items of discussion:

The Planning Department is instructed not to accept any application for amending the official zoning map without a statement prepared by the applicant analyzing the reasonableness of the rezoning request. This statement *shall* address the consistency of the proposed rezoning with the Comprehensive Plan and any other applicable City-adopted plan(s), the compatibility of the proposed rezoning with the *property* and surrounding area, and the benefits and detriments of the proposed rezoning for the landowner, the immediate neighbors and the surrounding community.

Recommended items of discussion (where applicable):

1. An error by the City Council in establishing the current zoning classification of the property.
2. How circumstances (land use and future development plans) have so changed since the property was last zoned that its current zoning classification could not properly be applied to it now were it being zoned for the first time.
3. The public need for additional land to be zoned to the classification requested.
4. The impact on public services, facilities, infrastructure, fire and safety, parks and recreation, topography, access to light and air, etc.

PETITIONER'S STATEMENT:

I. Consistency of the proposed map amendment with the Comprehensive Plan (www.raleighnc.gov).

A. Please state the recommended land use(s) for this property as shown on the Future Land Use Map and discuss the consistency of the proposed land uses:

The current Future Land Use Map designates the site for Industrial uses. However, the Hillcrest Planning Study, authorized by City Council in late 2010, noted that this mapping like current zoning district designations would perpetuate current zoning non-conformities (e.g., properties long in residential use being designated for non-residential uses). Upon receiving the Study, Council approved pursuing revisions to the land use map (being proposed concurrently with this rezoning request) in order to correct these conflicts. The proposed map changes would designate site properties for Low Density Residential development (1 to 6 dwelling units per acre). The requested rezoning would be fully consistent with these proposed mapping revisions.

B. Please state whether the subject property is located within any Area Plan or other City Council-adopted plans and policies and discuss the policies applicable to future development within the plan(s) area.

This site is not subject to any Area Plans contained in the 2030 Comprehensive Plan.

C. Is the proposed map amendment consistent or inconsistent with the Comprehensive Plan and other City Council-adopted plans and policies? All references to Comprehensive Plan policies should include both the policy number (e.g. LU 4.5) and short title (e.g. "Connectivity").

EXHIBIT D. Petitioner’s Statement on Behalf of Zoning Change

Please use this form only -- form may be photocopied. Please type or print. See instructions in *Filing Addendum*

This proposal is not expected to create any inconsistencies with the policies of the Comprehensive Plan; instead, it could remedy real or potential conflicts posed by current zoning.

Policy LU 2.6 - Zoning and Infrastructure Impacts -- Carefully evaluate all amendments to the zoning map that significantly increase permitted density or floor area to ensure that impacts to infrastructure capacity resulting from the projected intensification of development are adequately mitigated or addressed.

Since the current Industrial-1 zoning permits no residential uses, the proposal would permit density to increase. However, dwelling units exist on many of the parcels to be rezoned. Sewer lines are already in place across much of the central and eastern parts of the site. Developers would be required to provide any needed infrastructure improvements upon future site development.

Policy LU 5.4 - Density Transitions -- Low- to medium-density residential development and/or low-impact office uses should serve as transitional densities between lower-density neighborhoods and more intensive commercial and residential uses. Where two areas designated for significantly different development intensity abut on the Future Land Use Map, the implementing zoning should ensure that the appropriate transition occurs on the site with the higher intensity.

The request would eliminate the multiple transition areas which would be required wherever high-impact development permitted under Industrial-1 zoning would abut or surround existing residential zoning. The proposal could thereby bring district designations into greater consistency with current land uses and institute a more cohesive approach to area land use overall.

Policy LU 8.5 - Conservation of Single-Family Neighborhoods – Protect and conserve the City’s single-family neighborhoods and ensure that their zoning reflects their established low density character. Carefully manage the development of vacant land and the alteration of existing structures in and adjacent to single-family neighborhoods to protect low density character, preserve open space, and maintain neighborhood scale.

The current zoning fails to acknowledge the many existing residences on the site. If currently-vacant parcels were to develop under the present zoning, neighborhood context could be further compromised. The proposal seeks to reverse that possibility.

Policy LU 11.4 - Rezoning/Development of Industrial Areas – Allow the rezoning and/or redevelopment of industrial land for non-industrial purposes when the land can no longer viably support industrial activities or is located such that industry is not consistent with the Future Land Use Map. Examples include land in the immediate vicinity of planned transit stations.

Little or no development of site properties has occurred in the years since the current Industrial zoning was approved. The City Council-authorized revisions to the Future Land Use Map for the subject area, which are being proposed concurrent with this request, will render the current industrial zoning inconsistent.

Policy UD 5.1 - Contextual Design -- Proposed development within established neighborhoods should create or enhance a distinctive character that relates well to the surrounding area.

Under the area’s current zoning, parcels of low density zoning are interspersed with high-intensity industrial districts. The current zoning does not acknowledge existing residential uses

EXHIBIT D. Petitioner's Statement on Behalf of Zoning Change

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or character. By bringing greater zoning consistency across the area, the proposal significantly increases the likelihood of achieving contextual design.

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II. Compatibility of the proposed map amendment with the property and the surrounding area.

A. Description of land uses within the surrounding area (residential housing types, parks, institutional uses, commercial uses, large parking lots, thoroughfares and collector streets, transit facilities):

Most land within the subject site is either vacant or in residential use. A cell tower is located at 3755 Hillcrest Drive. Most of the immediately adjacent properties are vacant, or are commercial in nature. Properties further south and east contain flex warehouse and other industrial uses. A wide variety of retail businesses, many of them automobile-oriented (i.e., fast food, car wash, garage, etc.), are located along New Bern Avenue.

B. Description of existing Zoning patterns (zoning districts including overlay districts) and existing built environment (densities, building heights, setbacks, tree cover, buffer yards):

Most of the site is currently zoned Industrial-1 CUD, the result of two previous rezonings (Z-59-88: the area between Thelma Street and Frazier Drive, and Z-30-90: the arc of parcels from Hillcrest Drive to the southeast end of Virginia Street). Interspersed are nearly 20 properties zoned Residential-6, segregated by the previous Industrial rezonings into scattered blocks. Two contiguous parcels at the southern edge of the site, developed as multi-family housing, are zoned Residential-10 CUD. Vacant properties to the east and south are zoned Industrial-1; properties to the west, which abut I-440 and/or New Bern Avenue, were recently rezoned Thoroughfare District CUD (Z-19-10). From those parcels east along New Bern Avenue to Plainview Drive, area properties are zoned Neighborhood Business; parcels from Plainview to Beacon Lake Drive, between Frazier Drive and New Bern Avenue, are zoned Industrial-1 but are developed for retail sales and other commercial uses.

C. Explanation of how the proposed zoning map amendment is compatible with the suitability of the property for particular uses and the character of the surrounding area:

Those properties which are part of the request and to date have been developed contain single-family residences. Nearly all are developed at R-4 density or less. The proposal seeks to bring site zoning into consistency with those established residential uses. Frazier Drive and Beacon Lake Drive provide logical lines of demarcation with neighboring existing or potential non-residential uses. Existing higher density zoning and residential uses south of Polly and Virginia streets, east of Plainview Drive, make Residential-6 an appropriate zoning designation for that area.

III. Benefits and detriments of the proposed map amendment.

A. For the landowner(s):

The request would provide zoning consistent with the actual uses of multiple properties across the site. The net effect would be to significantly reduce economic uncertainty and potential quality of life impacts due to the current mix of low- and high-impact zoning designations.

B. For the immediate neighbors:

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The request would assure future development will be in keeping with residential properties’ current uses, and remove uncertainty as to whether potentially noxious industrial uses would be located among them.

C. For the surrounding community:

The present patchwork of zoning designations across the site prevent it from realizing greater economic potential—as evidenced by the dearth of development during the twenty years since so much of the subject area was zoned Industrial. The rezoning would both recognize and render compliant long-time residential uses across the site. Opportunities for more cohesive built form would also increase as any transition yards which would be mandatory between currently-zoned low-density and high-intensity uses would be eliminated, internal to the site.

IV. Does the rezoning of this property provide a significant benefit which is not available to the surrounding properties? Explain:

No. The proposal would potentially benefit all area properties, in instituting a zoning designation that would bring a more consistent and certain set of uses and built form across the area.

Explain why the characteristics of the subject property support the proposed map amendment as reasonable and in the public interest.

The public interest at large is being advanced by acknowledging and supporting existing residential uses, in an area which to date has not realized economic improvement under the current zoning.

V. Recommended items of discussion (where applicable).

a. **An error by the City Council in establishing the current zoning classification of the property.**

The majority of the site was rezoned Industrial-1 CUD in two stages (1985 and 1990). Most existing site residences, however, were built long before those zonings (built in 1950s and 1960s). At least 31 residences are rendered non-compliant by the existing zoning. The proposal would correct this situation.

b. **How circumstances (land use and future development plans) have so changed since the property was last zoned that its current zoning classification could not properly be applied to it now were it being zoned for the first time.**

The proposal is requested as a City-initiated rezoning in follow-up to City Council action pertaining to Z-19-10 (located immediately west of the subject area). The purpose of the study was to analyze the existing built environment within the neighborhood, and the current zoning and land uses within it, and to determine the amount of vacant land and common ownership within the area. On March 1, 2011, Council unanimously adopted the study’s recommendations regarding future land use and zoning designations. The latter is the basis for this rezoning proposal.

c. **The public need for additional land to be zoned to the classification requested.**

N/A

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- d. **The impact on public services, facilities, infrastructure, fire and safety, parks and recreation, topography, access to light and air, etc.**

The properties are served by City public safety operations. Existing sewer lines are located around and through the site. Any infrastructure improvements would be initiated and costs borne by private developers upon future development of individual site properties.

- e. **How the rezoning advances the fundamental purposes of zoning as set forth in the N.C. enabling legislation.**

N/A

- VI. **Other arguments on behalf of the map amendment requested.**